

**Town of Foxborough
Conservation Commission Minutes
September 28, 2009**

Members present: Al Curtis, Acting Chairman, Harold Blomberg, Doug Davis, Judi Johnson, Val Bataille-Ferry, and Eric Nelson

Members absent: Bob Boette

Also present: Jane Sears Pierce, Conservation Manager
Bill Hocking, Temporary Conservation Manager

7:00 p.m. Meeting Opens

Al Curtis opened the meeting which was held in the Town Hall meeting room, 40 South Street.

Welcome New Commission Member, Eric Nelson

The Commission welcomed, congratulated and thanked Eric for volunteering his time.

7:00 PM, Cease & Desist, 80 Beach Street

The property owner, Edwin Laredo, who had planned to attend the meeting was not present (and never came to any of the evening's meeting).

7:05 PM, Request for Determination, Rt. 140 Depot, Mass Highway Department

Val Bataille-Ferry read the legal notice for the proposed project's construction of new steel storage building.

Tom McGuire, DEP District Environmental Engineer, explained that this RFD filing was the third submission for the same project at the Foxborough Depot. To date, the State has not had enough funding to build the proposed 60 foot by 120 foot steel storage building.

Tom explained that the site, which now houses two large storage buildings in the front half of the property, is bisected by a stream which runs parallel to Rt. 140. The proposed building would be located in the middle of an area (shown on the plan as having several sheds which have been removed) that is currently paved with bituminous concrete in the rear half of the parcel. The plan's septic system has already been constructed. There would be no increase in impervious area and that the installation of silt fence and hay bales is required in the bid document.

He then reviewed the findings of our site visit, adding that I had found depredated turtle eggs and a deer skull in the sandy area beyond the chain link fence to the south of the site.

Doug asked about the direction in which the site's stormwater drains and was told that the whole site is level.

Val asked what the building would be used for. Tom replied that one end of the building (16 feet by 120 feet) would be office space, but most of the building will be used for vehicle storage. He stated that runoff from vehicles will drain to a tight tank that will be emptied. All of their newer facilities are equipped with floor drains with tight tanks that have alarms; when an alarm goes off, they drain the tank.

Motion by Doug Davis was made for a Negative Determination (boxes 2 and 4 checked). Seconded by Judi Johnson. **Vote: 6:0:0 in favor.**

Friends of St Augustine, Letter of Support dated September 25, 2009

Bill explained that he had received an email from Chuck Drayton asking if he would support the Friends' efforts to procure a DCR grant for trail development within the Cocasset River Recreation Area. He read his proposed letter aloud to the Commission, stating that he was only asking for a vote from the Commission to approve the letter.

Val advised the Commission that the same grant had been submitted last year, but was denied because of a ropes course that was included in the plan, explaining that she and Heather Harding (Recreation Department) had worked long and hard on the grant. Before signing the letter, she wanted to make sure that they were not going for the same (project) grant through the DCR at the same time.

Bill then read the email from Chuck, which stated that the Friends were applying for a trails grant through DCR for a bridge and signage for the project. Val recommends speaking to Debby Giardino (Recreation Department); Jane was asked to call Debby to see if she was aware of the grant. (Heather Harding later stopped by the meeting and approved this letter; see below.)

Motion by Doug Davis was to approve the letter, contingent on calling Debby or Heather and if they object then the letter would not be sent. Seconded by Val Bataille-Ferry. **Vote: 6:0:0 in favor.**

7:30 PM - Continued NOI, DEP #157-482, 17-24 Summerville Road

John Rhoads, Norwood Engineering Company, Inc., applicant's representative and Cocasset Park Condominium Trustees Martine Taylor (3 Summerville Road), Mary-Ann Boaz (10 Summerville Road) and Janet Zonghetti (1 Summerville Road) were present.

John informed the Commission that the Board of Health had granted all of the variances that they had requested, but required that the approved plan's design be modified to include an impermeable barrier along the foundation of building 3. He briefly reviewed the proposed project, a septic system repair.

John reviewed the town's bylaws, which require a septic system to be (1) 50 feet away from isolated land subject to flooding; (2) 20 feet from foundations; and (3) 10 feet from the property line. The proposed system's leaching field is 71 feet from the wetlands and 180 feet from Robinson Brook., with alterations slightly closer than that for the system's off grading.

Doug asked how much the proposed plan's system would cost and was told that it would cost \$30-40K, due to fill requirements. He then told the Trustees about an IA (innovative alternative) system, installed at the MacDonald's on Rt. 1, which he thought might be of interest to them. He explained that the owner (William O'Brien) had used an enhanced nitrogen system called a "White Knight," which costs 20-30% of a new system. The system, retrofitted into failed system's location, is guaranteed for life as long as it is maintained every three months, at a yearly maintenance cost of \$300. Doug, who thought it might be worth looking into, felt that there had to be a more eco-friendly or green solution for the Trustee's system. He said that he spoke to Bill O'Brien earlier in the day who had stated that his system worked great.

John explained why the proposed (new) system would be better than the old system, which had been built under 1978 codes. Also, he was concerned that if an IA system were to be used, it would add another layer of review to the project, since IA systems need to be approved by the DEP.

Val asked whether they had looked at other alternatives. John replied that they had looked at a Cosby (IA) system, but the site's groundwater was a problem, due to the site's lack of vertical space. Their proposed (one foot thick) system will be around 4.5 feet above the water table, but because the Cosby system is a much thicker system, it would be closer to the water table. John suggested infiltrating the building's roof drainage into dry wells to dilute the nitrogen that the new septic system would generate.

Bill summarized the discussions saying that if you're talking about the MacDonald's system, you're talking about an existing system that was enhanced by the IA system. If you apply this concept to the Trustee's site, you'd be working with the present system which has failed.

John stated that the Board of Trustees are willing to look into IAs and agree to continuing the hearing for one week to the Commission's next meeting on October 5th.

One of the Trustees asked the Commission whether they would approve the current proposed system, as it is, if an IA system wouldn't work at the site. Val asked whether tying in the roof drains would be considered in that case. John stated that they would be willing to consider infiltrating roof runoff (which now goes right

onto the ground) into dry wells. Doug indicated that he would be willing to approve the system if an IA would not work, but he would not be attending the next meeting.

Eric asked about the BoH required foundation barrier. John explained that a soil absorption system is supposed to be 20 feet from a foundation, unless a waiver is allowed. They had asked for such a waiver, which was approved, allowing the system to be 11 feet from the foundation. This barrier, a Hypalon liner, will be installed along building foundation to prevent breakout from system into foundation.

The hearing was continued to September 28, 2009, at 7:30 PM.

Val stepped out of the meeting at this point.

2 Alex Lane

Bill explained that he met with Dr Mufti, owner of 2 Alex Lane, on the previous Wednesday evening to inspect the restoration of the infiltration basin, stating that Dr. Mufti had complied with the Commission's request to return the infiltration basin to its original condition. Bill recommended that the Cease and Desist order should be lifted, adding that he had told Dr. Mufti that the Commission would send him a copy of the portions of the meeting minutes where the Commission lifted the order.

Motion by Doug Davis was made to lift the Cease and Desist order for 2 Alex Lane. Seconded by Judi Johnson. **Vote: 5:0:0 in favor.**

Bill then informed the Commission of Dr. Mufti's plans to build a fence along the sidewalk area to prevent trash, blowing from across the street, from coming into his yard.

Val returned to the meeting at this point.

Order of Resource Area Delineation, DEP #157-481, 1000 Washington Street

The Commission signed this document, which had been voted for during the previous meeting.

Order of Conditions Extension, DEP #157-470, Stonehurst, off Green Street

Motion by Doug Davis was made to issue an Extension to the Order of Conditions for DEP #157-470, Stonehurst, off Green Street. Seconded by Judi Johnson. **Vote: 6:0:0 in favor.**

Certificate of Compliance, DEP #157-473, 23 Perry Drive

Motion by Harold Blomberg was made to issue a Certificate of Compliance for DEP #157-473, 23 Perry Drive. Seconded by Doug Davis. **Vote: 6:0:0 in favor.**

State Forest Advisory Council

Since Dave Reich's term had expired, a new member was needed for the State Forest Advisory Council.

Motion by Doug Davis was made to nominate Bob Boette to be a member of the State Forest Advisory Council. Seconded by Harold Blomberg. **Vote: 6:0:0 in favor.**

Warner Trail Presentation – Eric Nelson

Eric summarized the information that he had included in his PowerPoint presentation about the Warner Trail, explaining that the report includes such information as where you can start your hike, where improvements are needed, and trail highlights. (Please see slides for details.)

The trail, which starts in Sharon and runs through Foxborough, Wrentham and Plainville, ends up in Cumberland, RI and is 11 to 12 miles long. Eric told the Commission that lots of good information about the Warner Trail can be found at the "Friends of the Warner Trail" website at www.warnertrail.org. He said that around half of Foxborough's portion of trail is located in two forests that have excellent trail maps; the F. Gilbert Hills State Forest and the Harold B. Clark Town Forest.

Eric advised that one particular portion of the trail is an excellent place for families to visit and can be easily accessed from the Munroe Street cul de sac. Starting at the Sallie Property, the trail runs through the woods all the way to Wrentham. Eric opined that the most beautiful and strenuous part of the trail runs from the Upper Carpenter Reservoir to High Rock in the State forest, but advised that you need to follow the white trail marker disks or you might get lost.

Goat Rock to the ledges has panoramic views but is the most strenuous part of the trail and also needs the most work. Eric told that Commission that as you near Rt. 1, the trail gets to be pretty wet.

Eric stated that he would like to put the information contained in his presentation onto the Commission's website (without the improvement sections to shorten it somewhat). He also suggested that the Commission should consider working more with Jim Goya, the leader of Friends of Warner Trail, to try to have the "Friends" help out with trail maintenance when they are in Foxborough. In conclusion, Eric stated that (depending on the Commission's ambition) he would suggest the following:

1. Add information, including more of the trail's history (it was started before WWII) onto the website; and
2. Sponsor walks through the Foxborough portions of the trail.

Val opined that trail improvement work would be a great project(s) for Eagle Scout(s). Bill asked Eric to make a list that included the specific locations of the bridges that need work for scout projects.

Judy asked how the trail crossed Rt. 95; Eric told her that the trail runs through a tunnel, underneath the highway. She then asked him how many people he met when he was hiking the trail. Eric told her that he didn't meet many people, except for bikers in Foxborough State Forest.

Grant to Purchase Updated GIS

Jane asked the Commission if they would like her to pursue a grant for GIS software and training from the Massachusetts Conservation Mapping Assistance partnership Program (MACMAPP), and then read her memo on the subject aloud to the Commission.

Judy indicated that she was not sure whether the parcels that are on the current town GIS info now would be compatible with the newer version of software.

Bill stated that he had spoken to the Town's Finance Director, Randy Scollins, who had said that he thought it might be a good idea to have a few area towns try to get together with Mansfield, which had an excellent GIS system.

Val thought that the Commission should see what the Town's is planning to do (regarding GIS) and see what is going on with Mansfield first. Bill thought that this was probably a good thing to keep an eye on, adding that Val was correct. It would be a good idea to wait, if they are going to change the whole of town hall's computer system eventually; he believed that someone was currently studying it. Jane was asked to talk to Randy about what the Town plans to do.

Open Space & Recreation Plan

Jane briefly reviewed her progress with the OS&RP, stating that she and Judy had met on the previous Thursday evening to review the plan and the maps that Judy had worked on to date.

Val opined that the plan contained a lot of duplication, advising that the Commission's recent PowerPoint presentation about the OS&RP had removed much of this duplication. She suggested that Jane should use the PowerPoint presentation's information in the OS&RP update. Val reminded the Commission that the recent survey's results had not been included in the current version of the plan and the strategic planning section had yet to be included.

The Commission notified Jane that Marc Resnick (Town Planner), had indicated that he would like to be involved with the strategic planning portion of the plan.

Potential Member

At this point in the meeting, Jim Marsh stood up to introduce himself to the Commission. He said that he had come to the meeting to introduce himself and to observe a Conservation Commission meeting. He told

the Commission that he was an environmental attorney and that he was one of the candidates who had interviewed with the Board of Selectmen for the Commission's recent opening.

Blueberry Island

Doug asked about the recent "incident" on the Island. Bill explained that Sheila had indicated in an email that there had been less activity on the island. He said that he thought that the sign up (carry out what you carry in) was still there. Bill spoke of the letter that he had written to Chief O'Leary (August 19, 2009) about the incident, saying that he had not received a response. The letter had included the following information:

"The Commission would like to ask you to recommend to whoever issues a punishment to the underage drinkers that they should be charged with cleaning all rubbish from the island on a regular basis, starting with the removal of the pallets in the photographs."

Resignation of Val Bataille-Ferry

Val read her letter of resignation from the Commission to the Commissioners. She stated that she had enjoyed her time as Commissioner, but had to resign from the Commission, due to her move to Martha's Vineyard. The Commission thanked her for all of the work she had done for the Commission during her time as Commissioner.

Gillette Stadium

Bill informed the Commission that he had taken the results of Gillette Stadium's Sediment Forebays Cleaning; Monitoring Report, received 9/14/09, and had put them on a graph. He explained that sometimes the sediment is an up and sometime it is down, asking "Where did it go?" He read his memo dated September 27, 2009 Re: Basin 2 & 4 Silt Control aloud to the Commission. In the memo, he states:

"The filling of the forebays is not a continuous progression but an up and down, it is the down that concerns me. What happens to the sediment in the forebay when the depth goes from 2.5 inches to .5 inches? My assumption is that the sediment goes into the detention basin or it remains in suspension. My question to NPS is how are they controlling the sediment overflow from the forebays? Should there be a way to be monitoring the detention basin depth between the forebay and the outlet. Should this be done as a profile of the basin? The Commission looks forward to discussing this with Mr. Piekarski and the NPS."

Normandy Farms Chemical Spill

Bill informed the Commission that he had responded to a spill of 290 gallons of chlorine onto the pavement at Normandy Farms. The spill had occurred when a plastic container inside of a truck exploded; one person was hospitalized. The spill was contained in two catch basins and then into a detention pond, but the PH was found to have dissipated rapidly in the detention basin and was not a threat at that time. Both catch basins and the pipe to the basin were cleaned and flushed by SYN Environmental, as well as the DEP and the Fire Department. He stated that there will be a report about it at some point.

Gavin's Pond

Bill met with Greg Miester, Sharon's Agent, about adding boards to Gavin's Pond. The next day the person who monitors the water in Sharon was upset about the boards' installation because they had disturbed the flow in the river, so he asked Greg to take them out. Greg took them out but, according to Bill, they will go back in eventually.

10 Mill Street, Wetland Violation

Jane explained to the Commission that Bill Cabarra (Building Inspector) had informed her of ongoing work in the riverfront area. The homeowner, Alex Pokrovskiy, explained that he only wanted to fix the cement decking around his pool. Val asked Alex where the pool's pipes came from and went into. Alex told her that the slab had been poured on top of pipes (which now leaked), so he was digging up the cement to find and repair the leak. Val explained that he needed to protect the area. Judy explained that Alex would need to submit a wetlands application for his project, then the Commission would go down to look at the property, and they would talk about it.

Doug suggested that the Commission allow Alex to continue working in the pool area to fix the leaking pipes, if he stays in the pool apron area, only. Judy thought that an RFD should be filed for the various small projects that he wanted to complete, but that he could keep working on the pipe repairs, but that he would need to file a Notice of Intent for the walls and other larger projects that he wanted to do.

Bill told the Commission that one thing to bear in mind is that all the things (violations) that were done to the site previously were done without any NOIs, so virtually anything he wants to do will be in the buffer zone (Mr. Glenn, the previous owner, never filed for any of the work). Bill was of the opinion that Alex should file a NOI for what he wants to do, including the demolition and rebuilding of the deck, explaining that if there was a comprehensive NOI with an Order of Conditions about the steps that would need to be taken. If he is only going to take out the cement, he could file a RFD for the cement removal only. There should be a stipulation about where the cement would be stored, gotten rid of etc. In other words, there should either be a NOI for the whole thing or RFDs if it is to be done piece meal. Bill reminded the Commission that Alex was given a cease and desist in the past for work that he had hired a contractor to do near the river.

Val agreed and explained that Alex should identify the projects that he wants to do (adding that Jane could help him) and then the Commission would review his plans.

Heather Harding, Recreation Department

Heather stopped by the meeting since she was in a meeting in the Town Hall. Val asked her if she knew about the Friends of St Augustine's grant, wondering whether it was the same as the Recreation Department's grant from the year before.

Heather stated that she was aware of the grant, explaining that it was a different grant, but basically for the same thing. She said that the "Friends" are applying for the grant this year since the Rec. Dept. does not have enough funds this year, but they (Rec. Dept.) will be trying for a grant next year. Heather said that the "Friends" are working under the Recreation Department's authority.

The Commission then signed the "Friends" letter, since Heather already knew about it.

Minutes

Motion by Doug Davis was made to approve the minutes of September 14, 2009, as written. Seconded by Harold Blomberg. **Vote: 6:0:0 in favor.**

Motion by Al Curtis was made to close the meeting at 9:40. Seconded by Doug Davis. **Vote: 6:0:0 in favor.**

Submitted by Jane Sears Pierce: 10/05/09

Approved by the Commission: 10/05/09